IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

UNITED STATES OF AMERICA	)	
	)	CASE NO: 3:14-cr-808
Plaintiff,	)	
	)	
vs	)	
	)	
JEFFREY HENRY	)	
	)	

CHALLENGE OF JURISDICTION

COMES NOW JEFFREY HENRY, a living, breathing, natural born, free man on the soil, a Sovereign American Citizen, sui juris, defendant in error, by special appearance, with and claiming all of his God given unlimited, inherent, unalienable, Constitutionally secured Rights, and with her name properly spelled only in upper and lower case letters, hereby respectfully makes this lawful challenge of this Court's jurisdiction for the following valid reasons:

1. American Citizens are lawfully entitled to a Court of Constitutional competence and proper jurisdiction, operating under Article III of the federal Constitution, providing and upholding due process of law, in which all of our constitutionally guaranteed rights are fully upheld and the presumption of innocence governs.

a). the accused, who hereby demands of this legislative tribunal and assembly the dismissal of this cause because of the lack of exclusive lawful jurisdictional authority over the exact where the alleged criminal activity mentioned in the indictment took place;

b). Schware v. Board of Examiners, 353 U.S. 238, 239. .."The practice of law (medicine etc.) is not within the States grace to regulate." The practice of law (medicine etc.) is an occupation of common right as per Sims v. Ahrens, 271 S.W. 720 (1925). No State in the Union of the United States of America licenses lawyers, only the State Bar, which issues a private corporation type of "Union Card"/certificate for payment of dues/fees. (See also Ex Parte v. Garland, 4 Wall 333, 370 (1866), which authorizes only the practice of law in the courts as an officer of the court and a member of the judicial branch of government, to represent wards of the court such as infants and persons of unsound mind and as a public defender in criminal cases.) ...Cannot license an occupation of common right ...Redfield v. Fisher, 292 P. 813, 817-819

c). "Occupations of common right ARE not taxable. The practice of medicine and law are occupations of common right. An income tax is neither a property tax, nor a tax on

occupations of common right, but is an excise tax. ..."Gross income tax unconstitutional." (See also Schware v. Board of Examiners, 353 US 238, 239. ...That an attorney cannot represent any private citizen nor any business as the State cannot license the practice of law. ..."That an attorney can only be allowed to practice law in the courts to represent "wards" of the court such as infants and persons of unsound mind as per Corpus Juris Secundum, Vol. 7, Sect. 4.")

2. In order for the Court to have lawful jurisdiction, there must be two lawfully presented parties in proper standing, and a true, correct, constitutionally supported, lawfully based valid complaint presented before the Court. The prosecutor, pursuant to his/her oath, has no lawful standing to present a complaint to this Court, without presenting valid facts on the record supporting his/her claim as an officer of the court in standing and fact to support lawfully endorsed representation of the plaintiff. Therefore, this Court has no lawful jurisdiction to hear and adjudicate this instant matter. Absent lawful jurisdiction, proven on the record, this case must be dismissed.

3. Once jurisdiction has been challenged, as has alleged Defendant, the prosecutor must prove lawful jurisdiction, on the record. The opposing counsel has failed to do this. Therefore, the Court lacks jurisdiction to proceed.

4. It is an irrefutable fact that the presiding judge has taken an oath to the Constitution of the United States of America and to the South Carolina Constitution. It is an irrefutable fact that the presiding judge must abide by his or her oath and the Constitutional mandates contained therein in the performance of his or her official duties, especially those before this Honorable Court. Pursuant to the above, it is an irrefutable fact that the presiding judge, pursuant to his or her oath, must uphold the following positions:

a. Article VI of The Constitution of the United States of America declares that the Constitution is the Supreme Law of the Land; thus, the superseding law over all other laws, statutes, codes, rules, regulations, etc.

b. Article IV, Section 4 of the Constitution guarantees each state a republican form of government.

c. A republican form of government operates under the Rule of Law, not the rule by men.

d. As declared in Article VI, the Rule of Law for this Land is the Constitution.

e. The Constitution ordains three separate and distinct branches of government, each with checks and balances on the others.

f. The Constitutionally ordained Judicial Branch of government is authorized only in Article III and is the only lawful forum in which American Citizens must be tried.

g. Article III requires trial by jury and that all Constitutionally secured rights and all aspects of due process of law must be upheld.

5. Absent any of the above mandated criteria, this Court does not meet the standards of a Constitutionally ordained Article III Court, thus, is Constitutionally defective, and not a court of proper jurisdiction under Article III. As such, has no Constitutionally delegated jurisdiction over Defendant, an American Citizen, guaranteed all of her God given inherent, unlimited, unalienable rights secured for her in the Constitutions, by and through the Articles and Amendments of those documents, to which the presiding judge and all officers of the court are duty bound by oath.

6. Since the presiding judge is required to uphold all of these Constitutional mandates, pursuant to his or her oath, and since the presiding judge has failed to uphold all aspects of due process of law and other rights referenced herein, then, it is abundantly clear that this Court is not an Article III Court, as ordained under the Judicial Branch of government. Thus, this Court lacks lawful jurisdiction to proceed with this matter and the charges must be dismissed, with prejudice. The fundamental importance of jurisdiction to any court action is addressed in the following case cites, all of which are binding upon this Court:

"There is no discretion to ignore lack of jurisdiction." Joyce v. U.S., 474 F 2d 215:

Melo v. U.S., 505 F 2d 1026: "Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but, rather should dismiss the action."

"Court must prove on the record all jurisdiction facts related to the jurisdiction asserted." Lantana v. Hopper, 102 F. 2d 188; Chicago v. New York, 37 F. Supp. 150;

"Since jurisdiction is fundamental to any valid judicial proceeding, the first question that must be determined by a trial court in any case is that of jurisdiction." Dillon v. Dillon, 187 P. 27;

"Since jurisdiction is fundamental, and it is jurisdiction alone that gives a court power to hear, determine, and pronounce judgment on the issues before it, jurisdiction must be continuing in the court throughout the proceedings." Re. Cavitt, 254 P. 599.

7. When a judicial officer acts entirely without jurisdiction or without compliance with jurisdiction requisites he may be held civilly liable for abuse of process even though his act involved a decision made in good faith, that he had jurisdiction. Little v. U.S. Fidelity & Guaranty Co., 217 Miss. 576, 64 So. 2d 697. [Emphasis added in all case cites.]

8. Today in America, we are subject to criminal and civil actions of attorneys. These are usually commenced and prosecuted in the name of some "Imaginary Person" (Corporation) , the corporate "STATE" or corporate "UNITED STATES". All cases of this nature are prohibited by the 11th Amendment. All these "Foreign States" are prohibited by the 11th Amendment of the "Constitution for the united States of America" to commence or prosecute any action. To file

any cause of action with one of these as "Plaintiff" is "Fraud" 18 USC 1001 and "Conspiracy against rights" 18 USC 241.

a). Most of the cases filed as civil actions are "Fraud" of attorneys claiming a "Corporation" has rights, privileges and immunities in court, common knowledge dictates a Corporation is an artificial person without natural rights. For an attorney to file a civil action with a "Corporation" as "Plaintiff" is clear "Fraud on the Court". A "Corporation" cannot sign a "Power of Attorney" or give any attorney verbal instructions to act on its behalf. Therefore, no attorney can lawfully represent any "Corporation in court".

b). I demand the "Plaintiff" appear. Because the 6th Amendment secures that no person will be deprived of life, liberty or property without due process of law. Therefore, the "Plaintiff" must appear and state he/she is owed a debt, the debtor must be given the right to challenge this debt for "validation" 15 USC 1692g. Only an "injured party" can claim a debt is owed. "Imaginary persons" cannot appear or give testimony and cannot be the "Plaintiff" of any cause of action. I challenge the attorney as a "Foreign Agent" 22 USC 611 acting for a "Foreign State" (Corporation) who has commence action in violation of the 11th Amendment. I demand dismissal for lack of jurisdiction.

c). The people have rights, Corporations do not have rights. Among these "Rights" is the right to contract, the people have this right under 42 USC 1981. The people exercise this right by their signature and/or Social Security Number. Corporations cannot sign and therefore cannot enter into any contract, with any attorney. The right to contract is reserved to the people. This is established by the age old principle of "Agency". To establish an "Agency", the "Principal" must ask the "Agent" to perform a task. The "Agent" must agree to perform the task. It is a time tested

principle, of "American Jurisprudence" that the "Court" must not rely upon the "Agent" to prove "Agency". The "Court" must follow the "Principal" to establish "Agency". The law is simple no "Principal" no "Agency" with "Capacity to Sue". Case must be dismissed.

d). There are many "Organized Crime Operations" being conduct in the "Corporate Courts" of the "UNITED STATES GOVERNMENT". There are two classifications of courts in the "United States of America", these are, "...one Supreme Court, and such inferior courts as the Congress may from time to time ordain and establish." According to Article III, Section 1 of the "Constitution for the united States of America". Since the "Civil War" these "Courts" have been operated as "Corporate Courts" for the profit of attorneys, who engage in the business of "Organized Crime" in these courts.

Licensing of Attorneys Generally

9. Lawyers are not a popular group among the general public, and the high price of legal services in part accounts for their poor reputation. A principal reason for those high prices is the lawyer's monopoly on providing legal services. Every state except Arizona has an "unauthorized practice of law" (UPL) statute that makes it illegal for anyone who does not meet the requirements set by state bars to render legal assistance. Lawyers invariably argue that UPL statutes serve the public interest. Wrote F. M. Apicella, J. A. Hallbauer, and R. H. Gillespy II in the American Bar Association Journal (1995), repealing UPL statutes "would result in the most unwary, guileless members of the public being incompetently represented and advised, if not victimized and defrauded."

10. But the notion that the best or only way to protect consumers of legal services is to prevent them from hiring people without bar membership is based on fundamental fallacies. First, it assumes that only governments can protect consumers. Second, it assumes that a government-sustained monopoly has no adverse effects that might offset purported benefits. And third, it ignores the mechanism that best protects the interests of all consumers—the free market.

11. All UPL statutes prohibit individuals from legally practicing law without bar membership. Bar membership, in turn, has

a). four prerequisites for aspiring legal practitioners:

b). they must earn a college degree;

c). they must graduate from an approved law school;

d). they must pass the state's bar exam; and they must convince the bar that they are "of good moral character."

e). Such criteria, however, did not always hold. According to Dietrich Rueschemeyer in Lawyers and Their Society, as late as 1951, 20 percent of American lawyers had not graduated from law school and 50 percent had not graduated from college.

f). Of licenses to practice law, the U.S. Supreme Court has said:

> *A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection*239 Clause of the Fourteenth Amendment. FNS Dent v. State of West Virginia 129 U.S. 114 9 S.Ct. 231 32 L.Ed. 623. Cf Slochower v. Board of Higher Education, 350 U.S. 551, 76 S.Ct. 637, 100 LEd. 692; Wieman v. Updegraff 344 U.S. 183, 73 S.Ct. 215, 97 L.Ed. 216. And see Ex parte Secombe 19 How. 9 13, 15 L.Ed. 565. A State can require high standards of qualification, such as good moral character or proficiency in its law, before it admits an applicant to the bar, but any qualcation must have a rational connection with the applicant's fitness or capacity to practice law. Douglas v. Noble 261 U.S. 165 43 S.Ct. 303 67 L.Ed. 590. Cummings v. State of Missouri 4 Wall. 277, 319-320. 18 L.Ed. 356. Cf. Nebbia v. People of State of New York 291 U.S. 502. 54 S.Ct. 505. 78 L.Ed. 940. Obviously an applicant could not be excluded merely because he was a Republican or a Negro or a member of a particular church. Even in applying permissible standards, officers of a State cannot exclude an applicant when there is no basis for their finding that he fails to meet these standards, or when their action is invidiously discriminatory. Cf. Yick Wo v. Hopkins, 118 U.S. 356, 6 S.Ct. 1064, 30 L.Ed. 220. FN5. We need not enter into a discussion whether the practice of law is a 'right' or 'privilege. 'Regardless of how the State's grant of permission to engage in this occupation is characterized. it is sufficient to say that a person cannot be prevented from practicing except for valid reasons. Certainly the practice of law is not a matter o the State's ace. Ex parte Garland 4 Wall. 333 379 18 L.Ed. 366. [Schware v. Board of Bar Exam of the State of New Mexico, 353 U.S. 232 77 S.Ct. 752 (1957)]*

12. Occupational licensing upon attorneys acts as the equivalent of a Title of Nobility, which is prohibited by the Constitution of the United States of America. One of the truly "sacred cows" of our society and a matter of great importance to all of us is occupational licensing. You may not have previously thought about this issue in terms of the law of equality, but an equality analysis is extremely relevant, even though a liberty of contract analysis would lead to the same

conclusions. In short, occupational licensing violates the unalienable right of equality.

13. The principles and concepts which are examined here apply to every kind of occupational licensing. In our nation today, occupational licensing takes many forms, and is called by many names, such as certification, qualification, approval and registration. Many kinds of professions, trades and occupations are licensed or regulated, including lawyers, physicians, truck drivers, contractors and teachers.

14. Occupations are regulated or licensed at both the state and federal level. However, it does not really matter which level applies for our purposes. The reason for that is two-fold. First, the law of the nature of equality applies to both state and federal law. The Declaration of Independence establishes the legal context both for the nation and for every state. Both as a matter of law, and as a matter of historical record, every state in the Union has bound itself to the legal framework established by the Declaration. Second, the United States Constitution contains express language prohibiting both the federal government and the states from granting any title of nobility.

15. Let us examine whether occupational licensing is a violation of the law of equality and is a form of title of nobility. Consider the occupation most familiar to many of us, the legal profession. I submit that the present system of law school accreditation and compulsory bar memberships, as well as the licensing of attorneys in general, is contrary to the law of nature and is also unconstitutional.

16. Pursuant to this historical definition, the licensing of attorneys creates a monopoly and violates the law of equality. After all, a lawyer's license is nothing other than a privilege to render legal services, a privilege which is granted by the state. And, the privilege is made exclusive by the enactment of statutes outlawing the unauthorized practice of law which

restricting the right of other persons to render legal services. In this way, the licensing of attorneys creates a monopoly contrary to the law of equality.

17. Attorney licensing is completely predicated on a presumed state's right to be a respecter of persons. The function of a statute prohibiting the unauthorized practice of law is not to distinguish between people on the basis of what they do, but who they are. By defamation, a person engaged in the unauthorized practice of law is engaging in the same activity as a licensed lawyer. The only distinguishing characteristic is that he is not licensed. Licensing statutes similarly distinguish between people on the basis of where they attended school, by whom it was accredited, and in what states they previously practiced law. In short, whether you become licensed depends on your identity, not your competency.

18. Attorney licensing is also legally equivalent to a title of nobility. Licensing, like some of the English titles of nobility, is obtained by special grant from the state. And, licensing confers special privileges peculiar to the profession. Only licensed attorneys can appear before a judge on behalf of another person and are regarded as "officers of the court." Only licensed attorneys have the benefit of an attorney-client privilege, and the name says it all. It is not called the "attorney-client right," because it is not a right. Legally-enforced confidentiality is a privilege usually denied even to other licensed professionals. In essence, licensed attorneys are state established, just as a state religion could be established.

19. These conclusions are also supported by an examination of the same issues in the light of the law of contract liberty and the Constitution's Obligation of Contracts clause. In a contracts context, occupational licensing is nothing other than a restriction on the kinds of contracts people would otherwise be at liberty to make. It says that certain people can enter into contracts to furnish legal services, but all other persons cannot. In essence, it declares all contracts for the

furnishing of legal services to be illegal, unless one of the parties has special permission from the state. Consequently, licensing violates the unalienable right of contract within our right of liberty as much as it violates the unalienable right of equality.

The Fictitious "License to Practice Law"

20. There is in fact no such document issued by any state or federal or private agency specifically called a "license to practice law". If you do discovery upon any attorney who challenges your RIGHT to practice of law without a license by asking them for his "license to practice law", then there is no evidence they can provide in response to such a discovery request.

21. In practice, what commonly passes for a "license" instead is an admission by the state supreme court to practice before that court. Ironically, no constitution of any state of the Union delegates the authority to any court in the state of the Union to issue such an "admission", and consequently the act is null and void because violative of the Ninth and Tenth Articles to the Constitution, which some mistakenly call the Ninth and Tenth "Amendments" so the Constitution.

The oath on the card says the following:

"I do solemnly swear or affirm to support the Constitution of the United States. That I will bear true faith and allegiance to the government of the United States. That I will maintain respect due to the courts of justice, and judicial officers, and that I will demean myself as an attorney proctor, advocate, solicitor, and counselor of this court uprightly. (So help me God)

"I certify that lam a member in good standing of the Bar of the State of California."

22. Then what was the intent of the founding fathers in relation to "assistance of counsel"? The founding fathers wrote the Constitution in plain simple language and used words that every one of that day could understand.

"And the Constitution itself is in every real sense a law-the lawmakers being the people themselves. in whom under our system all political power and sovereignty primarily resides, and through whom such power and sovereignty primarily speaks. It is by that law, and not otherwise, that the legislative, executive, and judicial agencies which it created exercise such political authority as they have been permitted to possess. The Constitution speaks for itself in terms so lain that to misunderstand their import is not rationally possible. *'We the People of the United States,' it says, 'do ordain and establish this Constitution.' Ordain and establish! These are definite words of enactment, and without more would stamp what follows with the dignity and character of law.* ***The framers of the Constitution, however, were not content to let the matter rest here, but provided explicitly-'This***

Constitution, and the Laws of the United States which shall be made in Pursuance thereof; ...shall be the supreme Law of the Land ' (Cong. art. 6, a 2.) The supremacy of the Constitution as law is thus declared without qualification. That supremacy is absolute; the supremacy of a statute enacted by Congress is not absolute but conditioned upon its being made in pursuance of the Constitution. And a judicial tribunal, clothed by that instrument with complete judicial power, and, therefore, by the very nature of the power, required to ascertain and apply the law to the facts in every case or proceeding properly brought for adjudication, must apply the supreme law and reject the inferior stat- [298 U.S. 238, 297] ute whenever the two conflict. In the discharge of that duty, the opinion of the lawmakers that a statute passed by them is valid must be given great weight. Adkins v. Children's Hospital, 261 U.S. 525, 544 43 S.Ct. 394, 24 A.L.R. 1238; but their opinion, or the court's opinion, that the statute will prove greatly or generally beneficial is wholly irrelevant to the inquiry. Schechter Poultry Corp. v. United States, 295 U.S. 495, 549 550 S., 55 S.Ct. 837, 97 A.L.R. 947."[Carter v. Carter Coal Co., 298 U.S. 238 (1936)]

TITLE 18 > PART I> CHAPTER 11 > Sec. 219.

Sec. 219. - Officers and employees acting as agents of foreign principals (a) whomever, being a public official, is or acts as an agent of a foreign principal required to register under the Foreign Agents Registration Act 01 1938 or a lobbyist required to register under the Lobbying Disclosure Act of 1995 in connection with the representation of a foreign entity. as defined in section 3(6) of that Act shall be fined under this title or imprisoned for not more than two years. or both.

WHEREFORE, for the foregoing valid, lawfully based reasons, JEFFREY HENRY, defendant, respectfully challenges the lawful jurisdiction of this court, for failure to uphold due process of law, and hereby states that, absent jurisdiction, proven on the record by the moving party, the court lacks lawful authority to proceed in this instant matter and must therefore dismiss this case with prejudice for lack of lawful jurisdiction.

Respectfully submitted,

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By; UCC1-103.6/308
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